# The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Manza Arthur
*Supervisor of Records*

July 29, 2025
**SPR25/2224**

Mr. Jonathan Gerhardson
VIA EMAIL
MA

Dear Mr. Jonathan Gerhardson:

I have received your letter appealing the response of the City of Chicopee to your request for records.

I have directed a member of my staff, Jeffrey Gottfredsen, Esq., to review this matter. Upon completion of the review, I will advise you in writing of the disposition of this case. If in the interim you receive a satisfactory response to your request, please notify this office immediately.

Any further correspondence concerning this specific appeal should refer to the SPR case number listed under the date of this letter.

Sincerely,

Manza Arthur
Supervisor of Records

cc: Berit Bjerkadal

## Chandrakanth, Neha (SEC)

**From:** Jon Gerhardson <jon.gerhardson@gmail.com>
**Sent:** Tuesday, July 29, 2025 3:39 PM
**To:** Manning, Michael (SEC)
**Cc:** SEC-DL-PREWEB
**Subject:** Re: Public records request

Hello,

Yes, apologies for my hasty and emotional response previously.

I am seeking an appeal of the Chicopee police department's response to my request. I do not believe that they can wholesale withhold all responsive records under exemption (n) as they claim to be doing.

Thanks

On Tue, Jul 29, 2025, 3:32 PM Manning, Michael (SEC) <Michael.Manning@sec.state.ma.us> wrote:

> Good Afternoon Mr. Gerhardson,
>
> Thank you for your email. In light of your correspondence below, could you please advise if you are seeking to appeal the Chicopee Police Department's July 28th response?
>
> Best,
>
> Michael Manning
>
> Office of the Secretary of the Commonwealth
>
> Public Records Division
>
> One Ashburton Place, Room 1719
>
> Boston, MA 02108
>
> 617-727-2832
>
> Michael.Manning@sec.state.ma.us

**From:** Jon Gerhardson <jon.gerhardson@gmail.com>
**Sent:** Monday, July 28, 2025 1:47 PM
**To:** SEC-DL-PREWEB <SEC-DL-PREWEB@sec.state.ma.us>
**Subject:** Fwd: Public records request

I have this arrest on video, it does not appear on the call or arrest logs. Please consider referring to the attorney general for investigation into kidnapping and also exemption n is a bullshirt excuse here and I don't apologize for my language.

---------- Forwarded message ---------
From: **R AO** <rao@chicopeepolice.com>
Date: Mon, Jul 28, 2025 at 1:29 PM
Subject: Re: Public records request
To: Jon Gerhardson <jon.gerhardson@gmail.com>

Good afternoon,

Please see the attached exemption letter regarding this request.

Respectfully,

**Officer Berit Bjerkadal**
Chicopee Police Department
Bureau of Services

Records Access Office
Office: 413-594-1779
Fax: 413-594-1693
Email: rao@chicopeepolice.com

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On Fri, Jul 18, 2025 at 12:17 PM Jon Gerhardson <jon.gerhardson@gmail.com> wrote:

> Hi I'm seeking records showing the names, badge numbers , agency, assignment, etc. for two officers that made an arrest at 878 Chicopee Street on July 17 approximately 6:55 p.m.
>
> They drove an unmarked Ford interceptor with civilian plates [ 5KMF 22 ]] .
>
> I am seeking vehicle camera (dash, etc) footage for this car and dash camera footage for both officers, who I am told are Chicopee pd. the
>
> For a period of 5:55 p.m to 7:55 p.m. please provide as uncompressed .MP4 files with all metadata be that metadata "baked in" to the file or exists as a sidecar (XML, Json, etc.)
>
> 413-313-1069 if any questions
>
> .
>
> Jonathan Gerhardson
> Freelance Journalist
>
> 413-313-1069 | jongerhardson.69 on Signal
>
> jongerhardson.github.io

# Chicopee Police Department

110 Church St., Chicopee, Ma. 01020

**7/28/2025**

Dear Jon Gerhardson

In response to your public records request for records showing the names, badge numbers, and agency assignments for two officers that made an arrest at or near 878 Chicopee Street on July 17th at approximately 6:55pm, received by the Chicopee Police Department on **7/18/2025**, the department intends to withhold the above-referenced requested records due to the applicability of the following exemptions and the reasons set forth below:

**Exemption N** – Facility Security

**"Records, including, but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cyber security, or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety or cyber security. "**

The Chicopee Police Department intends to withhold the aforementioned requested information as it applies to exemption N of the public record law. Exemption N is construed using the following two pronged approach. 1, whether, and to what degree, the record is one a terrorist would find useful to maximize damage, and in that sense jeopardize public safety. 2, whether the custodian has provided sufficient factual heft for the supervisor of public records or the reviewing court to conclude that a reasonable person would agree with the custodians determination given the context of the particular case.

It is the position of the Chicopee Police Department that the name, badge number and department assignment of the involved officers is information that a terrorist would find useful to maximize damage as they are members of a specialized unit that regularly engages in undercover work for the department. A terrorist is defined as a person who utilizes violence or force against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof. If a terrorist, or more specifically, an individual who might be the subject of such undercover work were to come across this information after it was released publically, the information could be used to target the officers and/or their families directly or indirectly. A terrorist could use this information to identify the home addresses and/or other confidential information of undercover officers for the purposes of perpetrating violence against them in an effort to intimidate said officers and/or coerce them into actions that are contrary to public safety.

In regards to the second part of your request in which you requested vehicle dashboard camera footage from both officers, the Chicopee Police Department is unable to process your request. The Chicopee Police Department only has vehicle dashboard cameras installed on select vehicles in the fleet, of which the involved vehicle are not included. For this reason the Chicopee Police Department does not have possession, custody, or control of any such record and is not required by law to create one upon request. For further explanation see the bolded excerpt describing the mandatory disclosure provision blow.

**The mandatory disclosure provision of the Public Records Law only applies to information that is in the custody of the Department at the time the request is received. As a result, there is no obligation for a Department to create a record for a requester to honor a request. See G.L. c. 4, section 7(26) (defining "public records" as materials which have already been "made or received" by a public entity); see also 32 Op. Att'y Gen. 157, 165 (May 18, 1977) (custodian is not obliged to create a record in response to a request for information); see also A Guide to the Massachusetts Public Records Law, Secretary of the Commonwealth, Division of Public Records, p. 8 (March 2020).**

You have the right to appeal this decision to the Supervisor of Records, at the address below. The Appeal should include your original request along with this response to:

Supervisor of Records Office of the Secretary of the Commonwealth McCormack Building, Room 1719 One Ashburton Place Boston, MA 02108.

You also have the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court.

If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

Officer Anouson Souvannasane
Chicopee Police Department
Bureau of Services
Records Access Officer
Office: 413-594-1745
Fax: 413-594-1725
Email: rao@chicopeepolice.com